

UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

In Re:

Christopher and Bethany Mills,

Debtors.

APPLICATION IN SUPPORT
OF MODIFICATION
Case No. 16-12279
Chapter 13

Christopher and Bethany Mills by their attorneys, The Barbaruolo Law Firm, P.C., hereby moves, pursuant to 11 U.S.C. §§ 105(a) and 1329 and in support thereof states as follows:

1. The Debtors filed a petition for relief on December 23, 2016.
2. The chapter 13 plan was confirmed on April 27, 2017, with monthly payments of \$1,750.00 for a period of twelve (12) months and then payments of \$2,100.00 per month for forty-eight (48) months.
3. The debtors have funded approximately \$22,750.00 into the plan through April 2018.
4. The debtors plan payments were scheduled to increase in January 2018.
5. The debtors are unable to increase the monthly payments and therefore have continued making the payments of \$1,750.00.
6. The debtors have recently completed a Trial Loan Modification offer for their homestead located at 20 Orchard Mills Road, Claverack, New York and are anticipating all mortgage arrears be removed from the plan once finalized.
7. Additionally, the debtors are requesting to remove all Student Loan debts from their bankruptcy. The debts shall survive the discharge and the debtors will continue payments as they have been, directly to the lenders.
8. With these debts removed from the debtors' chapter 13 plan, the debtors can still continue with the monthly payment of \$1,750.00 and successfully complete the plan as originally proposed with the dividend to unsecured creditors remaining unchanged at 100%.

10. Therefore it is requested that the debtors' fund a total base amount of \$22,750.00 through April 2018, reduce the payments to \$1,750.00 effective with the March 2018, for the remainder of the plan term and to remove the Student Loan Claims filed by U.S Department of Education, Navient Solutions, Inc., on behalf of USAF and Rhode Island Higher Education from the plan to survive the discharge. The new base balance will be \$77,000.00.

WHEREFORE, the debtors respectfully request that they be permitted to modify their plan to conform to the aforementioned and for such other and further relief as is just.

DATE OF NOTICE: May 17, 2018

/s/ Justin Myers
By: Justin Myers, Esq.